

Exhibit E to Mather Declaration (Santacruz Declaration)

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

10 ANNE FLACCUS on behalf of herself and
11 all other similarly situated,

12 Plaintiff,

13 vs.

14 ADVANCED DISPOSAL SERVICES
15 EASTERN PA, INC., ADVANCED
16 DISPOSAL SERVICES SOUTH, LLC

17 Defendant.
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Case No. 17-4808

CLASS ACTION

**DECLARATION OF VANESSA
SANTACRUZ RE: NOTICE
PROCEDURES**

I, Vanessa Santacruz, declare and state as follows:

1. I am a Case Coordinator with KCC Class Action Services, LLC (“KCC”), located at 222 Pacific Coast Highway, El Segundo, CA 90245. Pursuant to the Order Granting Preliminary Approval, Appointing Class Representative and Counsel (the “Preliminary Approval Order,” ECF Doc. No. 81-5) dated February 21, 2023, the Court appointed KCC as the Settlement Administrator in connection with the proposed Settlement of the above-captioned Action.¹ I have personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.

CLASS LIST

2. On March 17, 2023, KCC received from Burr Forman LLP a list of 12,229 persons identified as the Class List. The Class List included names, addresses, and the sum of total fees. KCC formatted the list for mailing purposes, reviewed for duplicate records, and processed the names and addresses through the National Change of Address Database (“NCOA”) to update any addresses on file with the United States Postal Service (“USPS”). A total of 646 addresses were found and updated via NCOA. KCC updated its proprietary database with the Class List.

MAILING OF THE NOTICE PACKET

3. On March 31, 2023, KCC caused the postcard Notice to be printed and mailed to the 12,229 names and mailing addresses in the Class List. A true and correct copy of the Notice is attached hereto as Exhibit A.

4. Since mailing the Notice to the Class Members, KCC has received 31 Notices returned by the USPS with forwarding addresses. KCC immediately caused Notices to be re-mailed to the forwarding addresses supplied by the USPS.

5. Since mailing the Notice to the Class Members, KCC has received 1,338 Notices returned by the USPS with undeliverable addresses. Through credit bureau and/or other public source databases, KCC performed address searches for these undeliverable Notices and was able to find updated addresses for 205 Class Members. KCC promptly re-mailed Notices to the found

¹ All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Settlement Agreement dated February 8, 2023 and/or the Preliminary Approval Order.

1 new addresses.

2 **THE SETTLEMENT WEBSITE**

3 6. On March 31, 2023, KCC caused the settlement website
4 (www.pafeesettlement.com) to go live in accordance with the Preliminary Approval Order. The
5 website URL was set forth in the Notice and Claim Form. Visitors of the website can download
6 copies of the Long Form Notice and other case-related documents. A true and correct copy of the
7 Long Form Notice is attached hereto as Exhibit B. As of June 11, 2023, there have been 124 users,
8 162 sessions/hits (active visits to the website) and 304 pageviews of the website.

9 **TOLL-FREE TELEPHONE NUMBER**

10 7. KCC established and continues to maintain a toll-free telephone number (888) 845-
11 4032 for potential Class Members to call and obtain information about the Settlement, request a
12 Notice Packet, and/or seek assistance from a live operator during regular business hours. The
13 telephone hotline became operational on March 31, 2023 and is accessible Monday through Friday
14 from 8:00 a.m. to 8:00 p.m. CST.

15 **OBJECTIONS TO THE SETTLEMENT**

16 8. The postmark deadline for Class Members to object to the settlement is July 20,
17 2023. As of the date of this declaration, KCC has received no objections to the settlement.

18 **EXCLUSIONS TO THE SETTLEMENT**

19 9. The postmark deadline for Class Members to object to the settlement is July 20,
20 2023. As of the date of this declaration, KCC has received no exclusions to the settlement.

21 **ADMINISTRATION COSTS**

22 10. KCC has incurred \$23,430.57 in costs through the end of May 2023. KCC estimates
23 its total cost of administration will be \$90,000.00. This amount includes costs to date as well as
24 through the completion of this matter.

25 11. KCC's estimated fees and charges are based on certain information provided to KCC
26 by the parties as well as significant assumptions. Accordingly, the estimate is not intended to limit
27 KCC's actual fees and charges, which may be less or more than estimated due to the scope of actual
28 services or changes to the underlying facts or assumptions.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on June 14, 2023, at El Segundo, California

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5 *Vanessa Santacruz*

6 Vanessa Santacruz
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EXHIBIT A

Nadene v. Advanced Disposal Services
Settlement Administrator
P.O. Box 6188
Novato, CA 94948-6188



VISIT THE
SETTLEMENT
WEBSITE BY
SCANNING
THE PROVIDED
QR CODE

LEGAL NOTICE

If you are or were a commercial customer of Advanced Disposal from October 1, 2012 to September 12, 2018 and paid them a fuel surcharge, an environmental fee, or an administrative fee, you may qualify for a payment from a class action settlement.

www.PAFeeSettlement.com

1-888-845-4032

«3of9 Barcode»

«BARCODE»

Postal Service: Please do not mark barcode

ADFL «Claim Number»

«FIRST1» «LAST1»

«ADDRESS LINE 2»

«ADDRESS LINE 1»

«CITY», «STATE»«PROVINCE» «POSTALCODE»

«COUNTRY»

ADFL

A Settlement has been reached with Advanced Disposal Services, Inc. f/k/a ADS Waste Holdings, Inc., Advanced Disposal Services Eastern PA, Inc. f/k/a Advanced Disposal Services Shippensburg, LLC and Advanced Disposal Services South, LLC f/k/a Advanced Disposal Services, Inc. (“Advanced Disposal”) in a class action lawsuit about whether it improperly collected fuel surcharges, environmental fees, and administrative fees from commercial customers in Pennsylvania.

Who’s included? You are included in the Settlement if you were an Advanced Disposal commercial customer in Pennsylvania who paid a fuel surcharge, an environmental fee, or an administrative fee to Advanced Disposal from October 1, 2012 to September 12, 2018 (“Settlement Class Members”).

What does the Settlement provide? Advanced Disposal will pay \$2,200,000 to resolve the Settlement. After deducting a maximum of \$733,333 attorneys’ fees and up to \$25,000 expenses, the costs of notice and administration (which shall not exceed \$100,000), and an incentive award of up to \$15,000 to the Class Representative, the balance will be distributed to Settlement Class Members on a *pro rata* basis, unless a Settlement Class Member was previously credited the full amount of fees it paid to ADS during the Class Period. Defendants will also ensure that debts owed to them by Settlement Class Members for services rendered during the Class Period in Pennsylvania are eliminated.

How do you get a payment? You do not have to do anything to receive a payment. Payments will be mailed to eligible Settlement Class Members after the Settlement is approved and becomes final.

Your other options. If you do nothing, you will receive a *pro rata* payment and release all claims covered by the Settlement. If you don’t want to be legally bound by the Settlement, you must exclude yourself from it by **July 20, 2023**. Unless you exclude yourself, you won’t be able to sue or continue to sue Advanced Disposal or related parties for any claim made in this lawsuit or released by the Settlement Agreement. If you stay in the Settlement (i.e., don’t exclude yourself), you may object to it and ask for permission for you or your lawyer to appear and speak at the hearing—at your own cost—but you don’t have to. Objections are due by **July 20, 2023**.

The Court’s Hearing. The Court will hold a Final Approval Hearing in this case (*Flaccus v. Advanced Disposal Services, Inc.*, No. 2:17-cv-04808-MAK) on August 30, 2023 to consider whether to approve: the Settlement; a request for attorneys’ fees and expenses; and an incentive award for the Class Representative.

Want more information? Visit www.PAFeeSettlement.com, call 1-888-845-4032, or write to *Flaccus v. Advanced Disposal Services* Settlement Administrator, P.O. Box 6188, Novato, CA 94948-6188.

EXHIBIT B

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA

If you are or were a commercial customer of Advanced Disposal and paid them a fuel surcharge, an environmental fee, or an administrative fee, you may qualify for a payment from a class action settlement.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

- A \$2,200,000 Settlement has been reached with Advanced Disposal Services, Inc. f/k/a ADS Waste Holdings, Inc., Advanced Disposal Services Eastern PA, Inc. f/k/a Advanced Disposal Services Shippensburg, LLC and Advanced Disposal Services South, LLC f/k/a Advanced Disposal Services, Inc. (“Advanced Disposal”) in a class action lawsuit about whether it improperly charged and collected fuel surcharges, environmental fees, and administrative fees from commercial customers in Pennsylvania.
- You may qualify for a payment if you were an Advanced Disposal commercial customer in Pennsylvania who paid a fuel surcharge, environmental fee, or administrative fee to Advanced Disposal from October 1, 2012 to September 12, 2018.
- Your legal rights are affected whether you act or don’t act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

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|--|---|
| DO NOTHING | Automatically receive a payment. Give up any rights you might have to sue Advanced Disposal about the legal claims made in this case and resolved by the Settlement. |
| EXCLUDE YOURSELF BY July 20, 2023 | This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Advanced Disposal related to the legal claims this Settlement resolves. If you exclude yourself, you will no longer be eligible to receive a payment from this Settlement. |
| OBJECT BY July 20, 2023 | Write to the Court about why you do not like the Settlement. |
| GO TO A HEARING | You may ask to appear and speak to the Court about the fairness of the Settlement. |

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice. The deadlines may be moved, canceled, or modified. Check the Settlement Website at www.PAFeeSettlement.com regularly for updates.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be sent to qualifying commercial customers only if the Court approves the Settlement and after any appeals are resolved. Please be patient.

QUESTIONS? CALL TOLL-FREE 1-888-845-4032 OR VISIT WWW.PAFEESETTLEMENT.COM

BASIC INFORMATION

1. Why is there a notice?

The Court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

Judge Mark A. Kearney of the United States District Court for the Eastern District of Pennsylvania is overseeing this case. The case is titled *Anne Flaccus, individually and on behalf of all others similarly situated v. Advanced Disposal Services, Inc. f/k/a ADS Waste Holdings, Inc., Advanced Disposal Services Eastern PA, Inc. f/k/a Advanced Disposal Services Shippensburg, LLC and Advanced Disposal Services South, LLC f/k/a Advanced Disposal Services, Inc.*, Case No. 2:17-cv-04808-MAK (the “Action”). This Notice explains the lawsuit, the Settlement, and your legal rights. The person who filed this lawsuit is called the Plaintiff and the companies she sued, Advanced Disposal Services, Inc. f/k/a ADS Waste Holdings, Inc., Advanced Disposal Services Eastern PA, Inc. f/k/a Advanced Disposal Services Shippensburg, LLC and Advanced Disposal Services South, LLC f/k/a Advanced Disposal Services, Inc., are called the Defendants.

2. What is this lawsuit about?

The lawsuit claims that Advanced Disposal improperly charged and collected fuel surcharges, environmental fees, and administrative fees from commercial customers in Pennsylvania. It also alleges claims for breach of contract, unjust enrichment, and violations of unfair trade practices and consumer protection laws. Advanced Disposal denies all of the claims and allegations made in the lawsuit.

More information about the lawsuit can be found in the Third Amended Class Action Complaint and Defendants’ Answer to the Third Amended Class Action Complaint available at www.PAFeeSettlement.com.

3. Why is there a class action?

In a class action, one or more people called “Named Plaintiffs” or “Class Representatives” (in this case, Anne Flaccus) sue on behalf of themselves and other people who have similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a “Settlement Class.”

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiff or Defendants. Instead, both sides agreed to a settlement. The Settlement allows the Plaintiff and Defendants to avoid the risks and costs of litigation and the uncertainty of trial and appeals. The Class Representative and her attorneys believe this Settlement is in the best interests of all Settlement Class Members.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am included in the Settlement?

The Settlement includes all Advanced Disposal commercial customers in Pennsylvania who paid one or more of a fuel surcharge, an environmental fee, or an administrative fee, to Advanced Disposal from October 1, 2012 to September 12, 2018 (“Settlement Class Members”).

6. Are there exceptions to being included?

Yes, excluded from the Settlement are: (1) all customers who signed a written contract that included an arbitration clause and class action waiver; (2) the district and magistrate judges presiding over this case; (3) the judges of the Third Circuit; (4) the immediate families of the preceding person(s); (5) any Released Party; (6) any Settlement Class Member who timely opts out of this Action; and (7) Class Counsel, their employees, and their immediate families.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

Advanced Disposal will pay \$2,200,000 to resolve the Settlement. After deducting attorneys' fees and expenses, the costs of notice and administration, and an incentive award to the Class Representative, the balance will be distributed to Settlement Class Members on a *pro rata* basis, unless a Settlement Class Member was previously credited the full amount of fees it paid to ADS during the class period. In this case, the Settlement Class Member will receive \$25.

8. What can I get from the Settlement?

Settlement Class Members who do not exclude themselves will automatically receive a payment representing a *pro rata* share of the amount they paid from October 1, 2012 to September 12, 2018 (the "Class Period").

9. What am I giving up to receive a payment or stay in the Settlement Class?

Unless you exclude yourself, you are choosing to stay in the Settlement Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against the Defendants and the Released Parties. The rights you are giving up are called Released Claims. See Question 10 for more detail on the Released Parties and Released Claims.

10. What are the Released Claims?

Generally, if and when the Settlement becomes final, Settlement Class Members will irrevocably release, acquit, and forever discharge Defendants and the other Released Parties (defined as the Defendants, as well as Waste Management, Inc., and their subsidiaries, parent companies, affiliates, agents, vendors, predecessors in interest and/or ownership, successors in interest and/or ownership, licensees, assignees, insurers, and each of the foregoing's respective past, present, and future officers, directors, employees, agents, attorneys, shareholders, predecessors, successors, and insurers), of and from any and all claims, rights, causes of action, liabilities, or other obligations (other than obligations imposed by this Agreement) of any kind, whether known or unknown, that were asserted in the Action, or that could have been asserted in the Action based on the facts alleged in all complaints filed in this action, including, but not limited to, Federal statutes, Federal common law, Pennsylvania statutes, Pennsylvania common law, and breach of contract, unjust enrichment, Pennsylvania Trade Practices and Consumer Law 73 P.S. § 201-1, et seq.; 73 P.S. § 201-2 et seq.; as well as any claims for any type of damage or compensation whatsoever, including claims for compensatory and punitive damages.

Complete details regarding the Released Claims can be found in the Settlement Agreement and Release, available at www.PAFeeSettlement.com.

HOW TO GET A PAYMENT

11. How do I get a payment from the Settlement?

You do not have to do anything to receive a payment. Payments will be mailed to eligible Settlement Class Members after the Settlement is approved and becomes final.

12. When will I receive my payment?

The Court will hold a Final Approval Hearing on August 30, 2023 to decide whether to grant final approval to the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Payments will be distributed to Settlement Class Members who submit valid Claim Forms if and when the Court grants final approval to the Settlement and after any appeals are resolved. Please be patient.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes, Benjamin M. Mather and Andrew J. Belli of Coren & Ress, P.C. have been appointed as “Class Counsel” to represent you and other Settlement Class Members. You will not be personally charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Class Counsel will ask the Court for a maximum of \$733,333 attorneys’ fees and up to \$25,000 in expenses, as well as a maximum \$15,000 incentive award for the Class Representative. If approved, these amounts, as well as the costs of notice and administration (which shall not exceed \$100,000), will be paid from the \$2,200,000 Advanced Disposal has agreed to pay to resolve the Settlement before paying qualifying Settlement Class Members.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to keep the right to sue the Defendants or the Released Parties about the legal claims resolved by this Settlement, and you do not want to receive a Settlement payment, you must take steps to get out of the Settlement. This is called excluding yourself or opting out of the Settlement.

15. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must mail a letter to the Settlement Administrator that includes the following information:

- Your name, your company’s name and address, and your telephone number;
- The name of the case (*Flaccus v. Advanced Disposal Services, Inc.*, Case No. 2:17-cv-04808-MAK);
- A statement indicating (a) you want to be excluded from this Settlement, and by excluding yourself, you understand that you will not receive any money from this Settlement; or (b) “I request to be excluded from the Settlement in the *Flaccus* action and understand that, by doing so, I will not be entitled to receive any of the benefits from the Settlement.”; and
- Your signature.

You must mail your exclusion request, postmarked no later than **July 20, 2023**, to:

Flaccus v. Advanced Disposal Services Settlement Administrator
P.O. Box 6188
Novato, CA 94948-6188

16. If I ask to be excluded from the Settlement, can I still get a payment?

No, you will not receive a payment from the Settlement if you exclude yourself.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you do not submit a timely and proper request for exclusion and you wish to object to the fairness, reasonableness, or adequacy of the Settlement, you must timely file a written objection with the Court and send a copy of that written objection by mail to Class Counsel and Defendants' Counsel at the addresses provided below.

To be valid, your objection must include:

- Your name, your company's name and address, and your telephone number;
- Proof of your membership in the Settlement Class;
- A statement of the reasons for the objection and any evidence supporting those reasons;
- Copies of any other documents you wish to submit in support of your position;
- The name, address, email address, and telephone number of your lawyer, if you have one;
- A statement regarding whether you and/or your lawyer intend to appear at the Final Approval Hearing; and
- Your signature.

Your objection, along with any supporting material you wish to submit, must be received by the Court with a copy sent to Class Counsel and Defendants' Counsel postmarked no later than **July 20, 2023** at the following addresses:

| <u>Clerk of the Court</u> | <u>Class Counsel</u> | <u>Defendants' Counsel</u> |
|---|--|---|
| Clerk of the Court James A. Byrne U.S. Courthouse 601 Market Street Philadelphia, PA 19106 | Benjamin M. Mather Andrew J. Belli Coren & Ress, P.C. Two Commerce Square, Suite 3900 2001 Market Street Philadelphia, PA 19103 | Rik S. Tozzi Burr Forman LLP 420 North Twentieth Street Suite 3400 Birmingham, AL 35203 |

18. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you remain a member of the Settlement Class (that is, do not exclude yourself). Excluding yourself is telling the Court that you don't want to be part of the Settlement. If you exclude yourself, you cannot object because the Settlement no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing on August 30, 2023 at 9:30 a.m. at the James A. Byrne U.S. Courthouse, 601 Market Street, Courtroom 6B, Philadelphia, PA 19106.

At this hearing, the Court will determine whether the Settlement is fair, reasonable, and adequate and whether to approve Class Counsel's request for attorneys' fees and litigation expenses, and an incentive award. If there are objections, the Court will consider them. Judge Kearney will listen to people who have asked to speak at the hearing.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you delivered or mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing by including a statement in your objection indicating that you intend to appear at the Final Approval Hearing (*see* Question 17). You cannot speak at the hearing if you exclude yourself from the Settlement Class.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you do nothing, you will automatically receive a payment from this Settlement if you qualify. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants or the Released Parties about the Released Claims.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed Settlement. More details are available in the Settlement Agreement and Release. The Settlement Agreement and Release and other related documents are available at www.PAFeeSettlement.com. If you have additional questions, you may call the Settlement Administrator at 1-888-845-4032, or write to:

Flaccus v. Advanced Disposal Services Settlement Administrator
P.O. Box 6188
Novato, CA 94948-6188

**PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT
OR DEFENDANTS CONCERNING THIS CASE.**